



PUBLIC NOTICE

Federal Communications Commission
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DA 02-580
March 8, 2002

COMMENTS REQUESTED IN CONNECTION WITH VERIZON'S SECTION 271 APPLICATION FOR NEW JERSEY

CC Docket No. 01-347

Comments Due: March 13, 2002

Late yesterday, the Commission received a written *ex parte* presentation from the New Jersey Board of Public Utilities in the above-referenced docket, consisting of the Board's final order on rates for unbundled network elements (UNEs) in New Jersey.¹ In the course of this proceeding, the parties have raised numerous concerns regarding rates for UNEs in New Jersey. The New Jersey Board approved rates for certain recurring and non-recurring elements, and adopted inputs and assumptions for all other rate elements, at its November 20, 2001 agenda meeting, and a Summary Order memorializing those decisions was issued on December 17, 2001. The Summary Order stated that "[a] final Order will be issued in this matter fully setting forth the Board's analysis of the issues, the positions of the parties, and the reasoning underlying the Board's determinations."² However, as the New Jersey Board's final rate order had not yet been released when Verizon filed its section 271 application for New Jersey, Verizon's application relies on the Summary Order to demonstrate that its New Jersey UNE rates are TELRIC-compliant.³ On March 6, 2002, the New Jersey Board of Public Utilities released its final order on UNE rates. Without deciding what reliance, if any, the Commission will place on the *New Jersey Final UNE Rate Order*, the Commission encourages interested parties to respond to this newly-filed *ex parte*. We now seek comment on whether the *New Jersey Final UNE Rate Order* demonstrates that the rates fall within the reasonable range that a correct application of TELRIC principles would produce. We have established a short comment period due to the imminent deadline for ruling on Verizon's application.

¹ New Jersey Board of Public Utilities, *Review of Unbundled Network Elements Rates, Terms and Conditions of Bell Atlantic-New Jersey, Inc.*, Docket No. TO00060356, Decision And Order (rel. Mar. 6, 2002) (*New Jersey Final UNE Rate Order*), available at <http://www.bpu.state.nj.us>.

² *Review of Unbundled Rates, Terms, and Conditions of Bell Atlantic, Inc.*, Docket No. TO00060356, Summary Order of Approval at 2 (rel. Nov. 20, 2001) (Summary Order).

³ Verizon Application at 92-99 & Appendix A, Vol. 3, Tab D, Joint Declaration of Patrick A. Garzillo and Marsha S. Prosini, at paras. 18-39.

Parties are requested to send a courtesy copy of their comments via email to ajohns@fcc.gov, jswift@fcc.gov, spie@fcc.gov, and john.lynch@usdoj.gov. An original and four copies of all comments must be filed with William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, twelve copies of each comment must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington D.C., 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to **236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.**⁴ The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method...	It should be addressed for delivery to...
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12 th Street, SW Washington, DC 20554

In addition to filing paper comments, parties **are encouraged also to file comments electronically** using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Document in Rulemaking Proceedings, 63 Fed Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an

⁴ *See* Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).

electronic comment by the Internet e-mail. To receive instructions, send an email to ecfs@fcc.gov and include the following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply.

Common Carrier Bureau Contact: Alexis Johns, (202) 418-1167.

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